



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/722,441
Filing Date	November 28, 2000
First Named Inventor	HANKE et al.
Group Art Unit	1652
Examiner Name	Kerr, K.M.
Attorney Docket Number	1533.1030002/MAC/PAC

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0036
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	MICHELE A. CIMBALA STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.	Registration No. (Attorney/Agent)	33,851
Signature	<i>Michele A. Cimbala</i>	Date	3.17.03

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name(Print/Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.



**Amendment Under 37 C.F.R. § 1.116  
Expedited Procedure - Art Unit 1652**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HANKE *et al.*

Appl. No. 09/722,441

Filed: November 28, 2000

For: **Polynucleotides Encoding a  
Feedback Resistant Aspartokinase  
from *Corynebacterium* (as amended  
herein)**

Confirmation No. 4696

Art Unit: 1652

Examiner: Kerr, K.M.

Atty. Docket: 1533.1030002/MAC/PAC

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**Amendment and Reply Under 37 C.F.R. § 1.116**

**Attn: Box AF**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Final Office Action dated **December 17, 2002**, (PTO Prosecution  
File Wrapper Paper No. 18), Applicants submit the following Amendment and Remarks.

This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along  
with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37  
C.F.R. § 1.121 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version  
with markings to show changes made."